

10/032,703

44

Attorney Docket No.1443.002US1

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHOD AND APPARATUS FOR CONTROLLING RETRACTION OF COMPOSITE MATERIALS.**

The specification of which was filed on December 28, 2001 as application serial no. 10/032,703.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number
09/751,329

Filing Date
December 29, 2000

Status
Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Garrison, Scott	Reg. No. 39,198	Moore, Charles L., Jr.	Reg. No. 33,742
Arora, Suneel	Reg. No. 42,267	Gorrie, Gregory J.	Reg. No. 36,530	Nama, Kash	Reg. No. 44,255
Beekman, Marvin L.	Reg. No. 38,377	Gortych, Joseph E.	Reg. No. 41,791	Nelson, Albin J.	Reg. No. 28,650
Berdie, Raymond R.	Reg. No. P-50,769	Haack, John L.	Reg. No. 36,154	Nielsen, Walter W.	Reg. No. 25,539
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Brennan, Leoniede M.	Reg. No. 35,832	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Peret, Andrew R.	Reg. No. 41,246
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I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Kenneth B. Close**

Citizenship: **United States of America**

Residence: **New London, WI**

Post Office Address: **E9228 County Road N**
New London, WI 54961

Signature:

Kenneth B. Close

Kenneth B. Close

Date:

4/18/02

Attorney Docket No.: 1443.002US1
Serial No. 10/032,703
Filing Date: December 28, 2001

Page 3 of 5

Full Name of joint inventor number 2 : **David J. Baer**
Citizenship: **United States of America**
Post Office Address: **3473 Eichstadt Road**
Oshkosh, WI 54901

Residence: **Oshkosh, WI**

Signature: _____

David J. Baer
David J. Baer

Date: _____

May 6, 2002

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 3 : **Charles A. Smith**
Citizenship: **United States of America**
Post Office Address: **1420 Springside Court**
Snellville, GA 54901

Residence: **Snellville, GA**

Signature: _____
Charles A. Smith

Date: _____

Full Name of joint inventor number 4 : **Stephen Primm**
Citizenship: **United States of America**
Post Office Address: **1615 Turner Road**
Cumming, GA 30041

Residence: **Cumming, GA**

Signature: _____
Stephen Primm

Date: _____

Full Name of joint inventor number 5 : **Walter A. Mattingly**
Citizenship: **United States of America**
Post Office Address: **2317 Harvest Dr.**
Appleton, WI 54914
Administration

Residence: **Appleton, WI, Administration**

Signature: Walter A. Mattingly
Walter A. Mattingly

Date: May 6, 2002

Full Name of joint inventor number 6 : **Scott R. Lange**
Citizenship: **United States of America**
Post Office Address: **2074 Shawnee Lane**
Oshkosh, WI 54901

Residence: **Oshkosh, WI**

Signature: Scott R. Lange
Scott R. Lange

Date: April 19, 2002

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

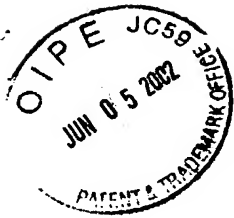
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



100032703 1122301

Attorney Docket No. I443.002US1

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application

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Residence: **New London, WI**

Signature: _____
Kenneth B. Close

Date: _____

Attorney Docket No.: 1443.002US1
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Page 3 of 5

Full Name of joint inventor number 2 : **David J. Baer**
Citizenship: **United States of America** Residence: **Oshkosh, WI**
Post Office Address: **3473 Eichstadt Road**
Oshkosh, WI 54901

Signature: _____ Date: _____
David J. Baer

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Residence: **Snellville, GA**

Post Office Address: **1420 Springside Court
Snellville, GA 54901**

Signature: _____

Charles A. Smith

Date: _____

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Full Name of joint inventor number 4 : **Stephen Primm**

Citizenship: **United States of America**

Residence: **Cumming, GA**

Post Office Address: **1615 Turner Road
Cumming, GA 30041**

Signature: _____

Stephen Primm

Date: _____

May 1, 2002

Full Name of joint inventor number 5 : **Walter A. Mattingly**

Citizenship: **United States of America**

Residence: **Appleton, WI**

Post Office Address: **2317 Harvest Dr.
Appleton, WI 54914
Administration**

Signature: _____

Walter A. Mattingly

Date: _____

Full Name of joint inventor number 6 : **Scott R. Lange**

Citizenship: **United States of America**

Residence: **Oshkosh, WI**

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Oshkosh, WI 54901**

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Arora, Suneel	Reg. No. 42,267	Gorrie, Gregory J.	Reg. No. 36,530	Nama, Kash	Reg. No. 44,255
Beekman, Marvin L.	Reg. No. 38,377	Gortych, Joseph E.	Reg. No. 41,791	Nelson, Albin J.	Reg. No. 28,650
Berdie, Raymond R.	Reg. No. P-50,769	Haack, John L.	Reg. No. 36,154	Nielsen, Walter W.	Reg. No. 25,539
Bendel, Michael J.	Reg. No. 39,605	Harps, Joseph P.	Reg. No. 28,854	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Harris, Robert J.	Reg. No. 37,346	Parker, J. Kevin	Reg. No. 33,024
Billion, Richard E.	Reg. No. 32,836	Herrick, William D.	Reg. No. 25,468	Parker, Thomas M.	Reg. No. 42,063
Black, David W.	Reg. No. 42,331	Hill, Stanley K.	Reg. No. 37,548	Perdok, Monique M.	Reg. No. 42,989
Brennan, Leoniede M.	Reg. No. 35,832	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Peret, Andrew R.	Reg. No. 41,246
Brennan, Thomas F.	Reg. No. 35,075	Jurkovich, Patti J.	Reg. No. 44,813	Peterson, David C.	Reg. No. 47,857
Brooks, Edward J., III	Reg. No. 40,925	Kalis, Janal M.	Reg. No. 37,650	Prout, William F.	Reg. No. 33,995
Chadwick, Robin A.	Reg. No. 36,477	Kappes, Kyle K.	Reg. No. 34,846	Pugliese III, Sebastian C.	Reg. No. 42,091
Charlier, Patricia A.	Reg. No. 38,840	Kirby, Jr., John P.	Reg. No. 25,348	Robinson, James B.	Reg. No. 34,912
Clark, Barbara J.	Reg. No. 38,107	Klenbus, Nancy M.	Reg. No. 40,051	Schumm, Sherry W.	Reg. No. 39,422
Clise, Timothy B.	Reg. No. 40,957	Klima-Silberg, Catherine I.	Reg. No. 40,052	Schwegman, Micheal L.	Reg. No. 25,816
Connelly, Thomas J.	Reg. No. 28,404	Kluth, Daniel J.	Reg. No. 32,146	Scott, John C.	Reg. No. 38,613
Croft, Gregory E.	Reg. No. 27,542	Kyriakou, Christos S.	Reg. No. 42,776	Sidor, Karl V.	Reg. No. 32,597
Dahl, John M.	Reg. No. 44,639	Lacy, Rodney L.	Reg. No. 41,136	Smith, Michael G.	Reg. No. 45,368
Dea h H.	Reg. No. 41,550	Leach, Nicholas N.	Reg. No. 31,776	Speier, Gary J.	Reg. No. 45,458
Dral ardo E.	Reg. No. 40,594	Lemaire, Charles A.	Reg. No. 36,198	Steffey, Charles E.	Reg. No. 25,179
Dud l, Alyssa A.	Reg. No. 40,596	LeMoine, Dana B.	Reg. No. 40,062	Stordal, Leif T.	Reg. No. 46,251
Dug remiah J.	Reg. No. 24,470	Letson, William W.	Reg. No. 42,797	Terry, Kathleen R.	Reg. No. 31,884
Emil Janet E.	Reg. No. 39,665	Lundberg, Steven W.	Reg. No. 30,568	Tong, Viet V.	Reg. No. 45,416
Fiel Randall W.	Reg. No. 43,611	Maki, Peter C.	Reg. No. 42,832	Tulley, Jr., Douglas H.	Reg. No. 34,743
Flac en D.	Reg. No. 40,608	Malen, Peter L.	Reg. No. 44,894	Viksnins, Ann S.	Reg. No. 37,748
For er, Paul J.	Reg. No. 42,546	Mates, Robert E.	Reg. No. 35,271	Wilson, Patrick C.	Reg. No. 31,893
For adley A.	Reg. No. 30,837	McCrackin, Ann M.	Reg. No. 42,858	Woessner, Warren D.	Reg. No. 30,440
Gag nas M.	Reg. No. 33,385	Mielke, Thomas J.	Reg. No. 31,399	Yee, Paul Y.	Reg. No. 29,460
Gan ven J.	Reg. No. 36,143	Miller, Douglas	Reg. No. 30,406		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/
minization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full
dis e to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.
Ple rect all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:
P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Signature: _____
Kenneth B. Close

Date: _____

Attorney Docket No.: 1443.002US1
Serial No. not assigned
Filing Date: not assigned

Page 3 of 5

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Oshkosh, WI 54901

Residence: **Oshkosh, WI**

Signature: _____

David J. Baer

Date: _____

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Charles A. Smith

Date: _____

Full Name of joint inventor number 4 : **Stephen Primm**
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Date: _____

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Signature: _____
Scott R. Lange

Date: _____

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

Under this section, information is material to patentability when it is not cumulative to information already of record or believed to be of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.